

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANDREW JOHN MILLER,

Petitioner,

Case No. 1:12-cv-117

v.

HON. ROBERT HOLMES BELL

DUNCAN MACLAREN,

Respondent.

_____ /

MEMORANDUM OPINION AND ORDER
ADOPTING THE REPORT AND RECOMMENDATION

This is a habeas corpus petition brought by a state prisoner under 28 U.S.C. § 2254. The matter was referred to Magistrate Judge Phillip Green, who issued a Report and Recommendation (“R&R”) on November 11, 2016, recommending that this Court deny the petition on its merits. (ECF No. 27.) The matter is before the Court on Petitioner’s objections to the R&R. (ECF No. 28.)

This Court is required to make a *de novo* review upon the record of those portions of the R&R to which specific objections have been made, and may accept, reject, or modify any or all of the magistrate judge’s findings or recommendations. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); *see also Miller v. Currie*, 50 F.3d 373, 380 (6th Cir. 1995) (“[A] general objection to a magistrate’s report, which fails to specify the issues of contention, does not satisfy the requirement that an objection be filed. The objections must be clear enough to

enable the district court to discern those issues that are dispositive and contentious.”).

Petitioner objects to the Magistrate Judge’s conclusion that his petition is without merit. Petitioner raises the same arguments, practically word for word, that he already set forth in his petition. The Court has conducted a *de novo* review of the record, and finds that the R&R accurately recites the facts and correctly applies pertinent law. Thus, the Court agrees with and adopts the Magistrate Judge’s analysis. Accordingly,

IT IS HEREBY ORDERED that Petitioner’s objections to the R&R (ECF No. 28) are **OVERRULED**.

IT IS FURTHER ORDERED that the R&R (ECF No. 27) is **APPROVED** and **ADOPTED** as the opinion of the Court.

IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**. 28 U.S.C. § 2253(c). Reasonable jurists would not disagree with the Court’s conclusion that Petitioner’s claims are meritless. *See Slack v. McDaniel*, 529 U.S. 473, 483-84 (2000).

Dated: December 19, 2016

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE